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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,538	09/19/2003	Koji Hosono	81790.0298	4277
26021	7590	03/30/2005		EXAMINER WEISS, HOWARD
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			ART UNIT 2814	PAPER NUMBER

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/664,538	HOSONO ET AL.	
	Examiner	Art Unit	
	Howard Weiss	2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 January 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 31-62 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 31-62 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Attorney's Docket Number: 81790.0298

Filing Date: 9/19/03

Continuing Data: Continuation of 10/274,438 (10/18/02 now U.S. Patent No. 6,649,945)

Claimed Foreign Priority Date: 8/20/02 (JPX)

Applicant(s): Hosono et al. (Nakamura, Imamiya)

Examiner: Howard Weiss

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 31 to 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted Prior Art, Fuchida et al. (U.S. Patent No. 5,723,908) and Aoyama (U.S. Patent No. 6,559,485).

The admitted Prior Art show most aspects of the instant invention (e.g. Figures 1 and 2 and Specification Pages 1 to 8) including:

- a NAND memory cell array having NAND block **1** with NAND memory cells **2**
- first to fourth lines being either/or bit lines **BL** or word lines **WL**
- contact plugs **CS** having widths larger than said lines

The admitted Prior Art does not show the interval (i.e. pitch) between third and fourth lines wider than the pitch between said first and second lines, the pitch of the first and second lines being less than 0.12 μm and the lines at different levels and dummy lines. Fuchida et al. teach (e.g. Figures 17 to 21) to have the pitch Sg_1 of third and for the lines **2a** to be wider than the pitch Sg_2 of first and second lines **2b** with said lines at different levels to perform a regular design and to supply power at more points (Column 13 Lines 19 to 24). It would have been obvious to a person of ordinary skill in the art at the time of invention to have the pitch of third and for the lines to be wider than the pitch of first and second lines with said lines at different levels as taught by Fuchida et al. in the device of the admitted Prior Art to perform a regular design and to supply power at more points.

Aoyama teach (e.g. Figures 1) to make the pitch **d1** of the lines less than 0.12 μm (i.e. less than 1 μm) and to use dummy lines **40a** to effect a microloading effect (Column 5 Lines 44 to 49). It would have been obvious to a person of ordinary skill in the art at the time of invention to make the pitch of the lines less than 0.12 μm and to use dummy lines as taught by Aoyama in the device of the admitted Prior Art to effect a microloading effect.

Terminal Disclaimer

3. The terminal disclaimer filed on 1/5/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,649,945 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

4. Applicant's arguments filed 1/5/05 have been fully considered but they are not persuasive. The Applicants state that since the lines **2a,2b** disclosed by Fuchida et al. are power/ground lines, the maximal value of the generated voltage between said lines separately are not different from each other. However, this is not what is stated by Fuchida et al. Specifically, in Column 9 Lines 52 to 59, lines **2a** are set ^{to} _a different

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potential to lines **2b** and therefore, could meet the limitations of the claims. In view of these reasons and those set forth in the present office action, the rejections of the stated claims stand.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Papers related to this application may be submitted directly to Art Unit 2814 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2814 Fax Center number is **(703) 872-9306**. The Art Unit 2814 Fax Center is to be used only for papers related to Art Unit 2814 applications.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Howard Weiss at **(571) 272-1720** and between the hours of 8:00 AM to 4:00 PM (Eastern Standard Time) Monday through Friday or by e-mail via Howard.Weiss@uspto.gov.

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8. The following list is the Examiner's field of search for the present Office Action:

Field of Search	Date
U.S. Class / Subclass(es): 257/211	thru 3/22/05
Other Documentation: none	
Electronic Database(s): EAST	thru 3/22/05

HW/hw
22 March 2005



Howard Weiss
Primary Examiner
Art Unit 2814